

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Juan Manuel RODRIGUEZ-TAPIA

Case No.

Case: 2:20-mj-30505

Assigned To : Unassigned

Assign. Date : 12/7/2020

Description: RE: JUAN MANUEL
RODRIGUEZ-TAPIA (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 6, 2020 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Reentry of Removed Alien

This criminal complaint is based on these facts:

On or about November 6, 2020, in the Eastern District of Michigan, Juan Manuel Rodriguez-Tapia, an alien from Mexico was found in the United States after having been previously removed therefrom on or about May 19, 2017, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto, in violation of Title 8, United States Code, Sections 1326(a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: December 7, 2020

City and state: Ann Arbor, MI

*Complainant's signature*

Ericka Walker, Deportation Officer

Printed name and title*Judge's signature*

David R. Grand, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Ericka Walker, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed the official immigration file relating to Juan Manuel RODRIGUEZ-TAPIA which attests to the following:
2. RODRIGUEZ-TAPIA is a 32-year-old male, native and citizen of Mexico, who last entered the United States at an unknown place, on an unknown date without being admitted, inspected or paroled by an Immigration Officer.
3. On September 11, 2007, the 10th District Court in Battle Creek, Michigan convicted RODRIGUEZ-TAPIA of misdemeanor Controlled Substance-Possession of Marijuana and sentenced him to pay fines.
4. On April 13, 2011, RODRIGUEZ-TAPIA was served an I-862, Notice to Appear pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA) at Clear Creek County Jail in Georgetown, Colorado under the 287(g) program. RODRIGUEZ-TAPIA was a passenger in a vehicle that was pulled over by Colorado State Patrol.
5. On April 27, 2011, an Immigration Judge in Aurora, Colorado ordered RODRIGUEZ-TAPIA removed to Mexico.
6. On April 29, 2011, ICE/ERO removed RODRIGUEZ-TAPIA to Mexico at Brownsville, Texas.
7. On May 4, 2017, ICE/ERO arrested RODRIGUEZ-TAPIA at Lincoln Park Police Department after he was arrested for No Valid License/Never Acquired and served him an I-871, Notice of Intent/Decision to Reinstate Prior Order.

8. On May 19, 2017, ICE/ERO removed RODRIGUEZ-TAPIA to Mexico at Nogales, Arizona.
9. On November 6, 2020, Detroit Police Department arrested RODRIGUEZ-TAPIA for Operating Under the Influence of Liquor. During routine booking procedures RODRIGUEZ-TAPIA's fingerprints revealed a positive biometric match with the DHS USVISIT/IDENT automated system for a previously removed alien from Mexico.
10. On November 7, 2020, ICE/ERO arrested RODRIGUEZ-TAPIA at the Detroit Detention Center. At the Detroit Field Office, RODRIGUEZ-TAPIA's fingerprints were searched in ICE/FBI systems. RODRIGUEZ-TAPIA's fingerprints returned with a positive match for Juan Manuel RODRIGUEZ-TAPIA, DOB: XX/XX/1987, AXXX-XXX-329, a previously removed alien.
11. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
12. On November 30, 2020, I reviewed the Alien Registration file for RODRIGUEZ-TAPIA, XXX-XXX-329 and conducted system checks. There is no evidence to indicate that RODRIGUEZ-TAPIA has applied for or received permission from the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States.
13. Based on the above information, there is probable cause to conclude that Juan Manuel RODRIGUEZ-TAPIA is an alien who was found in or reentered the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security in violation of Title 8, United States Code, Section 1326(a).



Ericka Walker, Deportation Officer
Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

December 7, 2020